

State of Vermont
Water Resources Board

In re: Appeal of Vermont Natural Resources **Council**
Docket No. 92-02

ORDER
(Motion to Withdraw **Motion For** Permission To Appeal)

BACKGROUND

On April 24, 1992, Vermont Natural Resources Council (appellant) filed a **Motion** for Permission to Appeal pursuant to **Rules 5(b)** and 5.1 of the Vermont Rules of Appellate Procedure. Appellant also requested that the Board grant a stay of the proceedings. See appellant's Memorandum in **Support, p.8.** On April 28, 1992, the Agency of **Natural Resources** (ANR) filed a Memorandum in Opposition to **VNRC's** Motion for Permission to Appeal. On April 29, 1992, Snowridge, Inc. (appellee) filed a Memorandum in Opposition to **VNRC** Motions for Interlocutory and/or Collateral Appeal and for Stay of Proceedings.

At its scheduled meeting of April 30, 1992, the Board **took under** consideration the motions of the appellant. After discussing the matter in deliberative **session, the Board** voted in open meeting to deny the appellant's Motion for Permission to Appeal and the appellant's request for a stay.

Prior to the Board issuing a written order detailing its **April 30; 1992** decision, appellant filed a Motion to Withdraw **Motion** for Permission to Appeal on May 8, 1992. On **May 14, 1992,** ANR submitted a letter to the Board indicating that it had no objections to the Board granting appellant's Motion to **Withdraw.** Appellee submitted no filing **regarding the** Motion.

ORDER

This case came on for hearing before the Board on **May 20, 1992,** upon the appellant's request for withdrawal of its **Motion** for Permission to Appeal. There being no objection to the withdrawal and the Board finding that withdrawal would not prejudice any of the participants, the Board voted to rescind its vote of April 30, 1992, denying appellant's Motion for Permission to Appeal and appellant's request for a stay. The

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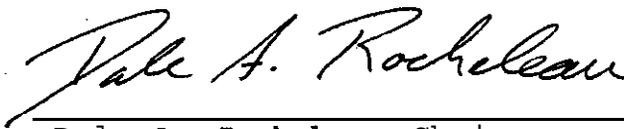
In re: Appeal of Vermont Natural Resources Council
Docket No. 92-02
ORDER: Motion to Withdraw Motion for Permission to Appeal

Board now holds:

In the matter of Vermont Natural Resources Council,
Docket No. **92-02**, the Motion to Withdraw the Motion for
Permission to Appeal is hereby granted.

Dated at BURLINGTON, Vermont, this 1ST day of
JUNE, 1992.

Vermont Water Resources Board
by its Chair



Dale A. Rocheleau, Chair

Concurring: Thomas Adler
William Davies

Absent: Mark DesMeules
Elaine Little